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10/584,665	06/27/2006	Toshiyuki Ikeda	4386.75399	5068
24978	7590	09/10/2009		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1791	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsihlas (WO 02/085648, of record). As best depicted in Figures 1 and 3, Tsihlas teaches a tire cavity resonance restricting device comprising a cross-sectional area changing member and an elastic fixing member. In particular, the assembly of Tsihlas can include blocks (cross-sectional area changing members) that are bonded to strips (elastic fixing member) in a spaced apart manner over the circumferential extent of the tire (Paragraph 29). Moreover, the embodiment depicted in Figure 3 (using the above noted method) would include four relatively large non-attachment portions and four significantly smaller attachment portions (those portions having blocks bonded thereto). It is emphasized that such non-attachment portions have a greater circumferential length (longer or larger) than the attachment portions and thus necessarily have a greater mass than said attachment portions.

As to claim 9, any of the devices described by Tsihlas can be divided into thirty six circumferentially adjacent segments or portions (even those having four gaps and four ridges, for example). In such an instance, the maximum mass is going to be significantly smaller than 10 times the minimum mass. In particular, Tsihlas teaches

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that the gaps have a height that is preferably less than 50% of the height of the ridges (Paragraph 26)- such a disclosure suggests a maximum mass that is preferably at least 2 times the minimum mass (since the length and width are the same in respective regions- only difference is height and mass is density times volume).

Regarding claim 10, Tsihla teaches that strips 42,43, to which blocks can be bonded, can be formed of rubber or plastic, metallic, or composite materials (Column 5, Lines 10+).

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tsihla. Tsihla teaches that that the strips can be formed of sound absorbing materials, such as foamed rubber and plastic, cork, or felts (Column 5, Lines 18+)- Such a description is seen to satisfy the claimed "sponge" material. If such is not the case, one of ordinary skill in the art at the time of the invention would have found it obvious to use a "sponge" material in view of the general disclosure of Tsihla as they represent known sound absorbing materials that are commonly used in the tire industry.

Allowable Subject Matter

5. Claims 5-8 are allowed.
6. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed August 11, 2009 have been fully considered but they are not persuasive.

Applicant argues that there is no teaching that the mass of the non attachment portion of the elastic fixing member is greater than the mass of the attachment portion of the elastic fixing member. The examiner respectfully disagrees. As detailed above, the non attachment portion has a greater circumferential length, as compared to the attachment portion, and thus necessarily has a greater mass (given the same density).

With respect to claims 5-7 and 9-13 (regarding Tanno and Yukawa), the rejections have been withdrawn in light of applicant's amendments.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Justin Fischer
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Primary Examiner, Art Unit 1791
September 9, 2009